

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WALTER RAY REDMOND, No. C 07-04276 CW (PR)
Plaintiff, ORDER DIRECTING DEFENDANTS TO
v. PROVIDE COURT WITH COMPLETE COPIES
SAN FRANCISCO POLICE DEPT., OF TRANSCRIPTS OF PLAINTIFF'S
et al., DEPOSITIONS ON AUGUST 7, 2009 AND
MAY 4, 2010
Defendants.

On August 20, 2007, Plaintiff Walter Ray Redmond filed this civil rights action under 42 U.S.C. § 1983, arising from a July 15, 2007 interaction with four narcotics officers from the San Francisco Police Department.

Before the Court is Defendants' motion to dismiss for failure to prosecute. Defendants claim that dismissal is appropriate under Rules 37(d)(1)-(3) and 41(b) of the Federal Rules of Civil Procedure because Plaintiff "has repeatedly failed to submit to his duly noticed deposition, despite repeated orders by this Court requiring his attendance." (Mot. to Dismiss at 1.) The record shows that Plaintiff failed to appear at his deposition duly noticed for June 17, 2009. (Lee Decl. ¶ 5.) On July 28, 2009, Defendants served Plaintiff with a second notice of deposition to occur on August 7, 2009. (Id. ¶ 8; Defs. Ex. 8.) On August 7, 2009, Plaintiff appeared for his deposition. Forty-seven minutes after the deposition began, Plaintiff decided to terminate the deposition and leave. (Margolis Decl., Ex. A; Redmond Depo. at 41:2-19.) Plaintiff failed to appear at the third deposition duly noticed for April 21, 2010. (Margolis Decl. ¶ 6.) Finally,

1 Plaintiff attended the fourth deposition duly noticed for May 4,
2 2010; however, he terminated it after seventy-six minutes. (Id.
3 ¶ 8, 9.)

4 In a letter to the Court dated May 13, 2010, Plaintiff opposes
5 Defendants' motion stating, "I told my story twice and it was not
6 recorded at all!" (Pl.'s May 13, 2010 Letter at 3.)

7 Prior to ruling on the motion to dismiss, the Court directs
8 Defendants to provide it with complete copies of the transcripts of
9 Plaintiff's August 7, 2009 and May 4, 2010 depositions no later
10 than three (3) days from the date of this Order.

11 IT IS SO ORDERED.

12 DATED: 6/14/2010



13 CLAUDIA WILKEN
14 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WALTER RAY REDMOND,

Plaintiff,

v.

SAN FRANCISCO POLICE DEPT et al,

Defendant.

Case Number: CV07-04276 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 14, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Walter Ray Redmond
1250 Pierce St #1
San Francisco, CA 94115

Dated: June 14, 2010

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California